

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 858 - HB 1121

March 23, 2009

SUMMARY OF BILL: Creates a new Class E felony offense for a person to sell drug paraphernalia. Broadens the definition of drug paraphernalia to include products sold for the use of introducing a controlled substance into the human body.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$142,200/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of eight admissions for unlawful drug paraphernalia uses and activities offenses in each of the past 10 years. DOC estimates a 50 percent increase (4) as a result of specifying the sale of paraphernalia in this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for four offenders is \$142,192.44 (\$35,548.11 x 4).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- Since this bill creates a new offense, no recidivism discount has been included.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc